

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION

OMARR ROYALE WILLIAMS,

Plaintiff,

v.

CAUSE NO. 2:20-CV-245-JTM-JEM

UNITED STATES OF AMERICA,
THERESA L SPRINGMANN, JOSHUA
P KOLAR, WILLIAM BARR,

Defendants.

OPINION and ORDER

Omarr Royale Williams, a prisoner proceeding without a lawyer, filed a complaint. (DE # 1.) Pursuant to 28 U.S.C. § 1915A, the court must screen the complaint to determine whether it states a claim for relief. The court must bear in mind that “[a] document filed *pro se* is to be liberally construed.” *Erickson v. Pardus*, 551 U.S. 89, 94 (2007) (quotation marks and citation omitted).

The complaint is somewhat difficult to decipher, but it can be discerned that Williams was arrested in October 2019 on federal charges in the Northern District of Indiana.¹ He claims that the Magistrate Judge and District Judge assigned to his criminal case have violated his constitutional rights by denying him bond and denying him a speedy trial. He further alleges that the United States of America is improperly prosecuting him and that he is “being held captive for a corporation,” which he deems

¹ Public court records reflect that Williams has been charged with bank robbery, and that the case is scheduled to proceed to trial on October 13, 2020. *U.S. v. Williams*, 2:19-CR-126-TLS-JLK (N.D. Ind. filed Oct. 9, 2019). The court is permitted to take judicial notice of public records in determining whether the complaint states a claim. See FED. R. EVID. 201; *Tobey v. Chibucos*, 890 F.3d 634, 647 (7th Cir. 2018).

to be “servitude/slavery.” He names the two Judges as defendants, as well as the United States of America, and Attorney General William Barr, as the individual who “runs the D.O.J.” He seeks monetary damages in the amount of \$5 million, an order dismissing the criminal charges with prejudice, and other relief.

Williams cannot obtain release from custody or dismissal of the pending criminal charges in this civil rights action. *Preiser v. Rodriguez*, 411 U.S. 475, 488 (1973). His available remedy, if any, is in the criminal case or an appeal, not a separate suit for damages. To the extent any of Williams’ allegations survive this barrier, he has not alleged a viable claim against any defendant. The two Judges are entitled to absolute immunity for their rulings in Williams’ criminal case. *Stump v. Sparkman*, 435 U.S. 349, 359 (1978); *Polzin v. Gage*, 636 F.3d 834, 838 (7th Cir. 2011). Likewise, the United States of America is entitled to sovereign immunity. *F.D.I.C. v. Meyer*, 510 U.S. 471, 475 (1994). There is no indication that Attorney General Barr was personally involved in these events, and he cannot be held liable solely because he is the official who oversees the Department of Justice. *J.K.J. v. Polk Cty.*, 960 F.3d 367, 377 (7th Cir. 2020); *Estate of Miller by Chassie v. Marberry*, 847 F.3d 425, 428 (7th Cir. 2017).

Ordinarily, the court should afford a *pro se* litigant an opportunity to cure his defective pleadings. *Abu-Shawish v. United States*, 898 F.3d 726, 738 (7th Cir. 2018); *Luevano v. Wal-Mart*, 722 F.3d 1014 (7th Cir. 2013). However, the court is not required to grant leave to amend where such action would be futile. *Hukic v. Aurora Loan Servs.*, 588 F.3d 420, 432 (7th Cir. 2009). That is the case here. The court finds no basis to conclude

that, if given another opportunity, Williams could state a viable claim for relief, consistent with the allegations he has already made.

For these reasons, the court:

- (1) **DISMISSES** this case pursuant to 28 U.S.C. § 1915A; and
- (2) **DIRECTS** the clerk to close this case.

SO ORDERED.

Date: August 4, 2020

s/James T. Moody
JUDGE JAMES T. MOODY
UNITED STATES DISTRICT COURT